

1 Scott R. Mosko (State Bar No. 106070)
2 scott.mosko@finnegan.com
3 Scott A. Herbst (State Bar No. 226739)
4 scott.herbst@finnegan.com
5 FINNEGAN, HENDERSON, FARABOW,
6 GARRETT & DUNNER, L.L.P.
7 Stanford Research Park
8 3300 Hillview Avenue
9 Palo Alto, California 94304
10 Telephone: (650) 849-6600
11 Facsimile: (650) 849-6666

12 Attorneys for PLAINTIFFS
13 KEVIN KEITHLEY and TREN
14 TECHNOLOGIES HOLDINGS, LLC

15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

14 KEVIN KEITHLEY and TREN
15 TECHNOLOGIES HOLDINGS, LLC,

16 Plaintiffs,

17 v.

18 THE HOMESTORE.COM, INC., THE
19 NATIONAL ASSOCIATION OF REALTORS,
20 and THE NATIONAL ASSOCIATION OF
21 HOME BUILDERS OF THE UNITED STATES,

22 Defendant.

CASE No. C03-04447 SI (EDL)

Judge: Honorable Susan Illston

**PLAINTIFFS KEVIN KEITHLEY
AND TREN TECHNOLOGIES
HOLDINGS, LLC'S
ADMINISTRATIVE MOTION FOR
FILING UNDER SEAL;**

**SUPPORTING DECLARATION OF
SCOTT R. MOSKO;**

[PROPOSED] ORDER

ADMINISTRATIVE MOTION FOR FILING UNDER SEAL

1. Papers Submitted for Partial Filing Under Seal

Pursuant to Civil Local Rules 7-11 and 79-5(c), Plaintiffs respectfully hereby request leave of Court to file under seal certain portions of the following document being lodged with the Clerk:

a. The highlighted and unredacted version of Plaintiffs Kevin Keithley and TREN Technologies Holdings LLC’s Response to Defendants’ Objections to the Non-Dispositive Portion of the Order for Monetary Sanctions and Report and Recommendation for Adverse Inference Instruction to Remedy Discovery Misconduct (“Response”). This Response contains excerpts from the deposition of Philip Dawley, the Defendants’ designated Rule 30(b)(6) witness. This deposition was designated Highly Confidential - Attorneys’ Eyes Only by Defendants pursuant to Stipulated Protective Order. It contains confidential, proprietary and sensitive business information and the excerpts from within it should remain sealed from public view.

As required by Civil Local Rule 79-5(c), Defendants are lodging with the Clerk copies of this Response which has been designated Confidential for filing under seal.

SUPPORTING DECLARATION OF SCOTT R. MOSKO

I, Scott R. Mosko, declare as follows:

1. I am an attorney licensed to practice before this Court and all courts of the State of California, and am a partner with Finnegan, Henderson, Farabow, Garrett & Dunner L.L.P., counsel for Plaintiffs in the above-entitled action. I submit this declaration in support of the Plaintiffs Kevin Keithley and Tren Technologies Holdings, Inc.'s Administrative Motion for Filing Under Seal. The matters stated herein are based upon my personal knowledge, and if called as a witness, would testify as to the following statements.

2. The representations made above in this Administrative Motion are true and correct to the best of my knowledge and belief.

11

11

11

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct and this declaration was executed this October 3, 2008, at Palo Alto, California.

3 /s/

4 Scott R. Mosko
5 Attorney for Plaintiffs Kevin Keithley and TREN
6 Technologies Holdings, LLC
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 [PROPOSED] ORDER

2 Upon good cause shown, **IT IS HEREBY ORDERED** that the following documents be filed
3 under seal:

4 1. The highlighted and unredacted version of Plaintiffs Kevin Keithley and TREN
5 Technologies Holdings LLC's Response to Defendants' Objections to the Non-Dispositive Portion
6 of the Order for Monetary Sanctions and Report and Recommendation for Adverse Inference
7 Instruction to Remedy Discovery Misconduct.

8
9 **IT IS SO ORDERED.**

10 Dated: _____, 2008



11 _____
12 Judge Susan Illston
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28